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Plaintiffs and the proposed Class*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

**ANDREAS PEFANIS on behalf of himself  
and others similarly situated,**

**INDEX NO: 08 cv 002 (DLC)**

**Plaintiff,**

**v.**

**WESTWAY DINER, INC.,**

**Defendant.**

-----X

**AFFIRMATION OF D. MAIMON KIRSCHENBAUM**

D. Maimon Kirschenbaum, under penalty of perjury, deposes and says:

1. I am an attorney for Plaintiff, and I make this affirmation in support of Plaintiff's Motion for Conditional Certification and Notice Pursuant to 29 U.S.C. § 216(b).
2. Attached hereto as Exhibit A are true and correct copies of excerpts from the deposition of Petros Dafnos, taken on June 12, 2008.

3. Attached hereto as Exhibit B are true and correct copies of excerpts from the deposition of Andreas Pefanis, taken on May 7, 2008.

4. Attached hereto as Exhibit C are true and correct copies of employee histories from Westway Diner's payroll printout, bates numbers 2023-2059.

5. Attached hereto as Exhibit D are true and correct copies of Plaintiff's discovery requests and Defendants' responses thereto.

I affirm, under penalty of perjury, that the above and foregoing information is true and correct.

Dated: New York, New York  
August 22, 2008

/s/ D. Maimon Kirschenbaum  
Maimon Kirschenbaum

1 Petros K. Dafnos

2 Q. How long have you been in this  
3 position?

4 A. About five years.

5 Q. How long has the restaurant been  
6 opened?

7 A. Twenty years.

8 Q. Were you employed in any capacity at  
9 the restaurant before you were the manager?

10 A. Yes.

11 Q. What were you immediately prior to  
12 becoming the manager? What was your position?

13 A. I was the nighttime manager.

14 Q. Is there a general manager of the  
15 restaurant or is that part of what -- is that  
16 part of your --

17 MR. MITCHELL: I'm going to object,  
18 because you asked him already is the  
19 general manager and then he said yes.

20 So now you're question --

21 Q. I didn't understand from your answer  
22 that you are the general manager.

23 Is it correct that you are the general  
24 manager?

25 A. Now, yes.

12

1

Petros K. Dafnos

2

restaurant?

3

MR. MITCHELL: Off the record.

4

(Whereupon, a discussion was held

5

off the record.)

6

Q. Do you remember more or less what --

7

how much Andreas Pefanis worked?

8

MR. MITCHELL: By memory.

9

Q. On a week-to-week basis without

10

looking at the records?

11

A. It was generally eleven to eight.

12

Q. How many days per week?

13

A. It varied.

14

Q. Varied in what sense?

15

A. Some days four -- four days a week,

16

sometimes five, sometimes three.

17

Q. Was it ever six?

18

A. I don't remember. Maybe.

19

Q. But you do remember that it was

20

sometimes three?

21

A. Yeah, because he worked some long

22

hours. I remember that one week he worked a

23

long three day shift because we were short. I

24

remember -- it was one time that he worked three

25

days, that's why I say three.

14

1

Petros K. Dafnos

2

period of the hours are you asking him

3

whether or not that was continuous work

4

or whether there were any breaks or

5

anything in between? You've got to

6

clarify the record.

7

MR. KERSCHENBAUM: I'm not asking

8

him that.

9

MR. MITCHELL: You're not, okay.

10

MR. KERSCHENBAUM: I'll get to that.

11

Q. Other than that one time are there any

12

other times that you recall that he worked three

13

days in a week?

14

A. No.

15

Q. Okay. Are there specific occasions

16

that you remember that he worked four days in a

17

week?

18

A. No.

19

Q. So would you say it was typical for

20

him to work five days in a week?

21

A. Yeah.

22

Q. And six, you can't recall whether he

23

did or did not?

24

A. Maybe.

25

Q. And his general shift was from eleven

1 Petros K. Dafnos

2 to eight; is that correct?

3 A. Yes.

4 Q. Were there times that he had to come  
5 in at nine?

6 A. Yes.

7 Q. To those days did he leave earlier  
8 than eight to the best of your recollection or  
9 did he still leave at eight?

10 A. No, he left at eight.

11 Q. It sounds to me from what you're  
12 saying that he pretty much left at eight; is  
13 that correct?

14 A. Yes.

15 Q. Did you do anything to keep track of  
16 the amount of hours actually worked by  
17 Mr. Pefanis on a weekly basis?

18 A. Yeah.

19 Q. What?

20 A. It was done on a payroll register that  
21 they send us, the worksheet.

22 Q. What was done on the payroll register  
23 and who sent you the worksheet -- well --

24 Why don't you explain what you mean. You  
25 said it was done on the payroll register and it

16

1

Petros K. Dafnos

2

was sent on the worksheet.

3

What does that mean?

4

A. Payroll is done weekly. They send you

5

a worksheet. You are supposed to fill out the

6

hours, fax it to them, and that's how you get

7

your hours.

8

Q. Sure. How -- what --

9

When did you fill out the worksheets?

10

A. Towards the end of the week.

11

Q. And towards the end of the week you

12

were given a worksheet with the each employee in

13

the restaurant's name and you were to fill it

14

out with the amount of hours each person worked

15

that week?

16

A. Yes.

17

Q. What information did you use or --

18

Did you use any information when filling

19

out that worksheet? How did you --

20

A. I would write the hours they worked.

21

Q. Just from memory?

22

A. No, it was done from Monday to Sunday.

23

Q. Right. But did you look at some piece

24

of paper when you filled out that worksheet at

25

the end of each week?

20

1

Petros K. Dafnos

2 worksheet, are there any other documents that --  
3 at Westway Diner that kept track of how many  
4 hours each employee worked?

5 A. No.

6 Q. Did employees clock in?

7 A. No.

8 Q. Did they sign in?

9 A. No.

10 Q. Were you present in the restaurant at  
11 all times that Mr. Pefanis was working --

12 Or were you present in the restaurant every  
13 time Mr. Pefanis came in?

14 A. No.

15 Q. Were you present in the restaurant  
16 every time Mr. Pefanis left?

17 A. No.

18 Q. So how is it that you knew how many  
19 hours Mr. Pefanis worked in a week when you  
20 filled out that worksheet?

21 A. Because they had mostly a set  
22 schedule. They worked a certain amount of hours  
23 a week.

24 Q. Did they ever come in to work earlier  
25 than --

1 Petros K. Dafnos

2 Did they ever come and work earlier than  
3 the amount time on the schedule?

4 A. Yes.

5 Q. Were you always there when they did  
6 that?

7 A. No.

8 Q. Did you become aware of that?

9 A. Yes.

10 Q. How?

11 A. They -- we were told either from my  
12 father, my uncle, or the waiters themselves  
13 would tell us.

14 Q. Your father --

15 The waiter would come to you and tell you I  
16 worked more than this --

17 A. Yes.

18 Q. Did you write that down somewhere or  
19 did you just remember it at the end of the week?

20 A. No, I would not write it down. I just  
21 remembered.

22 Q. What about the schedule? Did you  
23 consult the schedules when you filled out the  
24 worksheet?

25 A. Yes.

22

1

Petros K. Dafnos

2

3

Q. You had the schedules in front of you  
when you filled out that worksheet?

4

A. Sometimes.

5

6

Q. Would there be any reason why at  
sometimes you would have the schedules?

7

8

9

A. Sometimes they would have different  
schedules because they had other plans or to  
rearrange their schedules with other waiters.

10

11

Q. Are employees given their schedules  
before each week?

12

A. Yes.

13

14

Q. Are they handed to them or are they  
posted in the restaurant?

15

A. They are posted.

16

Q. Where are they posted?

17

A. In the kitchen.

18

Q. On what day of the week?

19

A. Typically Friday.

20

21

Q. And did they stay up in the kitchen  
for the entire week?

22

A. Yes.

23

24

Q. And then each Friday you post a new  
schedule?

25

A. Yes.

1 Petros K. Dafnos

2 Q. And would you take down the previous  
3 ones?

4 A. Yes.

5 Q. What would you do with the previous  
6 schedule when you took it down?

7 A. Throw it out. It was not needed.

8 Q. How were the schedules made? Were  
9 they made on a computer or -- I'm sorry let me  
10 backtrack that question.

11 How were the schedules made?

12 A. On a paper, written.

13 Q. On a handwritten paper?

14 A. Yeah.

15 Q. Was there any photocopy of those  
16 schedules made for your records?

17 A. No.

18 Q. Assuming on a typical day Mr. Pefanis  
19 arrives at eleven o'clock and works until eight  
20 o'clock, is there any period from eleven through  
21 eight that you believe that Mr. Pefanis does not  
22 deserve to be paid for?

23 MR. MITCHELL: What are you talking  
24 about?

25 Q. Is there some period of time between

1 Petros K. Dafnos

2 that was less than half an hour, would you know  
3 that?

4 A. No.

5 Q. Was he allowed --

6 Was he allowed to leave the restaurant to  
7 take that lunch break?

8 A. Yes.

9 Q. But again, just not to repeat the  
10 issue but just to make sure I understand  
11 clearly, he had to take a lunch break when he  
12 felt he had enough time, there was no specific  
13 time that he was told this is your lunch break?

14 A. No.

15 Q. Okay. On the schedule --

16 On the schedule that stood posted in the  
17 kitchen each week, were there checkmarks that  
18 people made when they in fact worked the amount  
19 of hours that were on those schedules?

20 A. No.

21 Q. Would they ever make a note on the  
22 schedules to say that they worked more than the  
23 amount of time on the schedule?

24 A. No.

25 Q. Or less than the amount of time on the

28

1

Petros K. Dafnos

2

schedule?

3

A. No.

4

Q. Is there anything else that would have

5

kept track of the amount of hours that an

6

employee worked other than what you put on the

7

worksheet?

8

A. No.

9

Q. At the end of each week would you give

10

that worksheet to the payroll company?

11

A. Yes.

12

Q. And they would --

13

And they would generate the paychecks?

14

A. Yes.

15

Q. And the way we just described this

16

with regard to Mr. Pefanis, was this pretty much

17

the same way it worked for everyone else that

18

they -- and I'll be more specific. I'm sorry.

19

People were given a specific shift on their

20

schedule and then they were allowed to take a

21

lunch break but there was no specific lunch

22

break; is that correct?

23

A. The hours of lunch was from three to

24

five.

25

Q. And everyone just --

30

1

Petros K. Dafnos

2

schedule to work eleven to eight hours per day,

3

I'm sorry --strike that.

4

If Mr. Pefanis typically works from eleven

5

o'clock in the morning to eight o'clock at

6

night, that period of time is nine hours; is

7

that correct?

8

A. Uh-huh, yes.

9

Q. So assuming that that was typically

10

five days per week?

11

A. Yes.

12

Q. That would be forty-five hours; is

13

that correct?

14

A. Yes.

15

Q. If Mr. Pefanis took his full half-hour

16

lunch period each day, half an hour times five

17

would be two and a half hours; is that correct?

18

A. Yes.

19

Q. That would leave us with forty two and

20

a half hours each week?

21

A. Yes.

22

Q. Is that correct?

23

A. Yes.

24

Q. So is it fair to say that based on

25

everything we have gathered right now

36

1

Petros K. Dafnos

2

Q. Okay. Now, I'm just going to give you

3

a minute to look through this document.

4

What I want to see here is do you agree

5

with me, based on looking at this document,

6

there were only five occasions when Mr. Pefanis

7

was paid for any overtime that is reflected on

8

these documents?

9

(Whereupon, the Witness complied

10

with the request.)

11

A. Yes.

12

Q. Do you agree with me that on each of

13

those occasions plaintiff Mr. Pefanis was paid

14

for one hour of overtime?

15

A. Yes.

16

Q. How do you understand that based on

17

your previous testimony we established that on a

18

typical week Mr. Pefanis worked I believe at

19

least forty two and a half hours?

20

How do you reconcile that with the fact

21

that he was only paid -- he was usually paid

22

less than forty hours for forty hours or less

23

per week, and only on five occasions paid for

24

one hour of overtime?

25

A. The overtime that's not on here is not

1 Petros K. Dafnos

2 reflected because it was already paid. That's  
3 why.

4 Q. Maybe you could explain to that to me.

5 A. It was done -- it was set up in a way  
6 where they wanted overtime paid on the spot,  
7 when they were done. So when they worked  
8 overtime they were paid on the spot and it  
9 wasn't recorded because it was already paid.

10 They wanted cash.

11 Q. Are you saying that you paid them for  
12 overtime in cash on the spot as it --

13 A. Yes.

14 Q. Now, overtime is in excess of forty  
15 hours per workweek?

16 A. Yes.

17 Q. So when they exceeded --

18 Is what you're saying that when they  
19 exceeded forty hours per workweek they'd walk up  
20 to you and say Peter please give me cash?

21 A. Yes.

22 Q. And you paid them in cash?

23 A. Yes.

24 Q. Is there any record of this payment?

25 A. No.

38

1

Petros K. Dafnos

2

3

4

Q. Is there anything at all that you can think of that might be able prove -- now, I'm not asking you to draw a legal conclusion.

5

6

7

What I'm saying is there anything out there that reflects these payments that you've made to them?

8

9

10

11

A. No, because they knew what hours they worked and I knew on a basis what they were working and it went on their -- on their judgment.

12

13

14

Q. According to -- according to -- How frequently did you give Mr. Pefanis cash for overtime?

15

16

17

18

19

20

A. Not much.

Q. Not much even though we have established that he typically worked at a minimum of forty-two and a half hours per week?

21

22

23

24

Q. Right, but he worked --

We said that he worked from eight until eleven for five days per week at least on most weeks?

25

A. Most weeks.

60

1 Petros K. Dafnos

2 A. Less than ten.

3 Q. Was it more than five or less than  
4 five?

5 A. I don't remember.

6 Q. Were there other employees that were  
7 scheduled to work from eleven to eight as  
8 Mr. Pefanis was?

9 A. Yes.

10 Q. Were there other employees that were  
11 scheduled to work five days a week as  
12 Mr. Pefanis was?

13 MR. MITCHELL: On the days that  
14 Mr. Pefanis was?

15 MR. KERSCHENBAUM: No, in general  
16 during Mr. Pefanis's employment were  
17 there other employees that worked from  
18 eleven to eight for five days a week?

19 I think it's a pretty  
20 straightforward question.

21 On any day.

22 MR. MITCHELL: On any day?

23 MR. KERSCHENBAUM: On any five days.

24 A. Sometimes.

25 Q. And how did you pay them for the hours

22

1                                    Andreas Pefanis

2            Q        How were you paid a salary; cash or  
3        check?

4            A        They give me a check every week.

5            Q        In addition to the check, would they  
6        give you any cash?

7            A        No.

8            Q        You have produced, and I'm holding, we  
9        can mark this for identification, a series of  
10       four envelopes. Each envelope has a number on  
11       it.

12                    Can you identify these four envelopes?

13            A        Yes.

14            Q        What are they?

15            A        These envelopes, my check used to be in  
16       these envelopes and either him --

17            Q        Meaning Peter Dafnos?

18            A        Yes, or his sister or his father will  
19       give me my pay every week and my check will be in  
20       these envelopes.

21            Q        So that you would receive a check every  
22       week --

23            A        Yeah.

24            Q        -- for the period of time that you were  
25       employed at the Westway Diner?

1                                    Andreas Pefanis

2        credit card?

3            A        The tips were cash.

4            Q        You said in the morning.    Would you  
5        make tips any other time other than the morning?

6            A        Yeah.

7            Q        When else would you make tips?

8            A        Lunchtime.

9            Q        Would you share those tips?

10          A        Lunchtime, no.

11          Q        Those were all yours?

12          A        Yes.

13          Q        Again, cash?

14          A        Cash.

15          Q        What about any other times that you  
16        would make tips?

17          A        Dinnertime, too.

18          Q        Would you share those tips?

19          A        No.

20          Q        Those were all kept by you?

21          A        Yeah.

22          Q        Cash?

23          A        Yeah.

24          Q        How much would you normally make in the  
25        morning in tips, on an average?

70

1                                   Andreas Pefanis

2           A       Weekends it was -- some weekends I used  
3       to come at nine to eight.

4           Q       Nine A.M. to eight P.M.?

5           A       Yeah, yeah.

6                       So how many hours is that?

7           Q       What about weekdays, would you put  
8       those hours in weekdays, too?

9           A       The schedule was a little -- every week  
10       was a different schedule. Weekdays, you know, if  
11       I worked five days, they might give me a couple  
12       of extra days in the morning. It was so  
13       different. Every week was so --

14          Q       The weekdays were different?

15          A       Yeah.

16          Q       The weekdays --

17          A       It was eleven to eight, but some of the  
18       them I had to come early.

19          Q       What time?

20          A       Like, eight, nine o'clock, but every --  
21       every -- it was different. All mixed up.

22          Q       Was it also different on the weekends,  
23       too?

24          A       Usually I used to be there nine  
25       o'clock, nine, ten o'clock. But mostly nine

1                                   Andreas Pefanis

2       o'clock.

3               Q       Would it vary, though?

4               A       Yeah, every week and every weekend it  
5       was --

6               Q       It would change?

7               A       Yeah, like --

8               Q       You said some weeks, five days and some  
9       weeks were six days.

10              A       Usually it was an alternate. One week  
11       you worked five and then it was every month you  
12       worked one week five days and then three weeks  
13       six days it was so -- up to this day I can't  
14       understand how --

15              Q       How would it work?

16              A       Yeah, yeah.

17              Q       When would you learn if you were going  
18       to work five days or six days; was it on the spot  
19       or was it a week ahead of time that you would  
20       know?

21              A       The guys there, my coworkers used to  
22       make jokes.

23              Q       No, I'm asking you.

24              A       I will answer you. I will answer you.

25              Q       Sir, my question is, very simply

1                                    Andreas Pefanis

2            A        When it was slow, you sit down to eat  
3        something or to grab a sandwich or something.

4            Q        That's what I'm saying. Would you take  
5        any breaks either for lunch or for breakfast?

6            A        Yeah, but that wasn't a break.

7            Q        It wasn't a break?

8            A        No.

9            Q        What was it?

10          A        If somebody sits at your table, you  
11        have to get up and serve them, so --

12          Q        When you would work from eleven to  
13        eight, would you have breakfast, lunch or dinner  
14        at the restaurant?

15          A        I'm sorry? I didn't understand.

16          Q        The days that you worked from eleven to  
17        eight, would you have breakfast, lunch and/or  
18        dinner at the restaurant?

19          A        You mean personally myself, if I eat  
20        breakfast?

21          Q        Yes.

22          A        I didn't understand. That's why.

23                    No, I eat only once, around three or  
24        four o'clock. That's when everybody was eating.

25          Q        Three to four o'clock --

1                                    Andreas Pefanis

2        Exhibit B; is that correct?

3            A        Yeah.

4            Q        Is it your statement that the only  
5        moneys that you received from your employer other  
6        than tips, is the money that is reflected on  
7        Exhibit B?

8            A        Yes, it is.

9            Q        On the checks that are reflected on  
10       Exhibit B, and there are four checks reflected on  
11       each page; is that correct? Can we agree to  
12       that?

13          A        Yeah.

14          Q        Do you know for each one of these  
15       periods, whether you worked five or six days? For  
16       example, for the period ending January 5, 2007,  
17       did you work five days or six days? Do you know;  
18       yes or no? Do you know, as you sit here today?

19          A        Yes, I do.

20          Q        For the period ending January 5, '07,  
21       did you work five or six days?

22          A        I don't remember for that specific  
23       date, but one week I worked five days and then  
24       the following week six days.

25          Q        I'm asking you for the period ending --

ACCOUNT NO: 111  
Run Date: 04-23-2008

WESTWAY DINER INC  
T/A WESTWAY DINER  
EMPLOYEE HISTORY FOR 2007

Payrolls with Olympic  
PAGE 3

* DATE *	* HOURS *		***** EARNINGS *****							***** DEDUCTIONS *****								
WK ENDNG	REG	OVT	REGULAR	OVRTME	MISC1	TIPS	MEALS	UNIF	NONTX	GROSS	FICA	FED WT	STATE	CITY	SUDI	MISC DED	NET PAY	CHECK #
EMPLOYEE NO: 300102			EMPLOYEE NAME: SERGIO REYES LATENCHE			S.S. NO: [REDACTED]			SALARY/RATE: 4.600			STATUS: ACTIVE						
12/29/06	37.00	0.00	160.95	0.00	0.00	290.45	13.32	3.70	0.00	464.72	34.54	43.08	13.60	8.80	0.60	0.00	64.03	3281
01/05/07	38.00	0.00	165.30	0.00	0.00	298.30	13.68	3.80	0.00	477.28	35.46	44.91	14.32	9.25	0.60	0.00	64.56	3302
01/12/07	37.00	0.00	170.20	0.00	0.00	290.45	13.32	3.70	0.00	473.97	35.24	44.46	14.15	9.14	0.60	0.00	70.31	3325
01/19/07	40.00	0.00	184.00	0.00	0.00	314.00	14.40	4.00	0.00	512.40	38.09	50.07	16.35	10.52	0.60	0.00	72.37	3348
01/26/07	40.00	1.00	184.00	8.18	0.00	321.85	14.40	4.00	0.00	528.43	39.32	52.47	17.30	11.12	0.60	0.00	75.37	3370
02/02/07	40.00	0.00	184.00	0.00	0.00	314.00	14.40	4.00	0.00	512.40	38.10	50.07	16.35	10.52	0.60	0.00	72.36	3391
02/09/07	39.00	0.00	179.40	0.00	0.00	306.15	14.04	3.90	0.00	499.59	37.15	48.20	15.62	10.06	0.60	0.00	71.67	3413
02/16/07	38.00	0.00	174.80	0.00	0.00	302.10	13.68	3.80	0.00	490.58	36.49	46.90	15.11	9.74	0.60	0.00	69.76	3435
02/23/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.71	57.16	19.21	12.27	0.60	0.00	47.65	3457
03/02/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	57.16	19.21	12.27	0.60	0.00	47.64	3479
03/09/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.71	57.16	19.21	12.27	0.60	0.00	47.65	3501
03/16/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	57.16	19.21	12.27	0.60	0.00	47.64	3523
03/23/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.71	57.16	19.21	12.27	0.60	0.00	47.65	3545
03/30/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	57.16	19.21	12.27	0.60	0.00	47.64	3567
04/06/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.71	57.16	19.21	12.27	0.60	0.00	47.65	3588
04/13/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	57.16	19.21	12.27	0.60	0.00	47.64	3609
04/20/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.71	57.16	19.21	12.27	0.60	0.00	47.65	3630
04/27/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	57.16	19.21	12.27	0.60	0.00	47.64	3651
05/04/07	37.00	0.00	170.20	0.00	0.00	360.75	13.32	3.70	0.00	544.27	40.62	55.01	18.30	11.74	0.60	0.00	47.63	3671
05/11/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.90	61.47	21.18	13.33	0.60	0.00	47.52	3690
05/18/07	37.00	0.00	170.20	0.00	0.00	364.45	13.32	3.70	0.00	547.97	40.90	55.56	18.52	11.88	0.60	0.00	46.44	3708
05/25/07	40.00	1.00	184.00	8.18	0.00	403.85	14.40	4.00	0.00	610.43	45.60	64.77	22.69	14.15	0.60	0.00	48.37	3728
06/01/07	40.00	1.00	184.00	8.18	0.00	403.85	14.40	4.00	0.00	610.43	45.60	64.77	22.69	14.15	0.60	0.00	48.37	3750
06/08/07	39.00	0.00	179.40	0.00	0.00	384.15	14.04	3.90	0.00	577.59	43.11	59.90	20.46	12.95	0.60	0.00	46.28	3771
06/15/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	13.70	0.60	0.00	44.19	3792
06/22/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	56.40	18.86	12.08	0.60	0.00	44.64	3813
06/29/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	13.70	0.60	0.00	44.19	3834
07/06/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.67	62.97	21.86	13.70	0.60	0.00	44.20	3854
07/13/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	56.40	18.86	12.08	0.60	0.00	44.64	3874
07/20/07	40.00	2.00	184.00	16.35	0.00	420.00	14.40	4.00	0.00	634.75	47.47	68.42	24.35	15.10	0.60	0.00	48.41	3895
07/27/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.06	65.69	23.11	14.39	0.60	0.00	46.33	3917
08/03/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.07	65.69	23.11	14.39	0.60	0.00	46.32	3939
08/10/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.56	60.78	20.86	13.16	0.60	0.00	44.34	3961
08/17/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.67	62.97	21.86	13.70	0.60	0.00	44.20	3982
08/24/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	58.59	19.86	12.62	0.60	0.00	44.49	4003
08/31/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	13.70	0.60	0.00	44.19	4024
09/07/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	13.70	0.60	0.00	44.19	4045
09/14/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.67	62.97	21.86	13.70	0.60	0.00	44.20	4066
09/21/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.33	56.40	18.86	12.08	0.60	0.00	44.63	4084
09/28/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	56.40	18.86	12.08	0.60	0.00	44.64	4102
10/05/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.07	65.69	23.11	14.39	0.60	0.00	46.32	4120
10/12/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	58.59	19.86	12.62	0.60	0.00	44.49	4140
10/19/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	13.70	0.60	0.00	44.19	4162
10/26/07	35.00	0.00	161.00	0.00	0.00	350.00	12.60	3.50	0.00	523.60	39.09	52.02	17.12	11.00	0.60	0.00	44.67	4183
11/09/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	58.59	19.86	12.62	0.60	0.00	44.49	4227
11/16/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	58.59	19.86	12.62	0.60	0.00	44.49	4247
11/23/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.57	60.78	20.86	13.16	0.60	0.00	44.33	4266
11/30/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.43	58.59	19.86	12.62	0.60	0.00	44.50	4286
12/07/07	35.00	0.00	161.00	0.00	0.00	350.00	12.60	3.50	0.00	523.60	39.10	52.02	17.12	11.00	0.60	0.00	44.66	4305

ACCOUNT NO: 111  
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WESTWAY DINER INC  
T/A WESTWAY DINER

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EMPLOYEE HISTORY FOR 2007

* DATE *	* HOURS *		***** EARNINGS *****							***** DEDUCTIONS *****									
WK ENDNG	REG	OVT	REGULAR	OVRTIME	MISC1	TIPS	MEALS	UNIF	NONTX	GROSS	FICA	FED WT	STATE	CITY	SUDI	MISC DED	NET PAY	CHECK #	
12/14/07	32.00	0.00	147.20	0.00	0.00	320.00	11.52	3.20	0.00	478.72	35.74	45.45	14.54	9.38	0.60	0.00	44.69	4322	
12/21/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	58.59	19.86	12.62	0.60	0.00	44.49	4342	
** TOTALS **			1958.00	8.00	8988.05	65.43	0.00	%18859.35											
							704.88	195.80	0.00	28617.71	2135.33	2930.68	992.40	629.66	30.60	0.00	2530.61		

EMPLOYEE NO: 300105      EMPLOYEE NAME: MAURO PRIETO      S.S. NO: [REDACTED]      SALARY/RATE: 4.600      STATUS: ACTIVE

12/29/06	40.00	0.00	174.00	0.00	0.00	314.00	14.40	4.00	0.00	502.40	37.34	58.37	16.90	10.86	0.60	0.00	53.93	3282
01/05/07	38.00	0.00	165.30	0.00	0.00	298.30	13.68	3.80	0.00	477.28	35.46	54.71	15.46	9.96	0.60	0.00	52.91	3303
01/12/07	37.00	0.00	170.20	0.00	0.00	290.45	13.32	3.70	0.00	473.97	35.24	54.27	15.28	9.85	0.60	0.00	58.66	3326
01/19/07	40.00	1.00	184.00	8.18	0.00	321.85	14.40	4.00	0.00	528.43	39.32	62.28	18.43	11.83	0.60	0.00	63.72	3349
01/26/07	40.00	0.00	184.00	0.00	0.00	314.00	14.40	4.00	0.00	512.40	38.10	59.87	17.49	11.23	0.60	0.00	60.71	3371
02/02/07	40.00	0.00	184.00	0.00	0.00	314.00	14.40	4.00	0.00	512.40	38.09	59.87	17.49	11.23	0.60	0.00	60.72	3392
02/09/07	37.00	0.00	170.20	0.00	0.00	290.45	13.32	3.70	0.00	473.97	35.24	54.27	15.28	9.85	0.60	0.00	58.66	3414
02/16/07	38.00	0.00	174.80	0.00	0.00	302.10	13.68	3.80	0.00	490.58	36.49	56.71	16.24	10.45	0.60	0.00	58.11	3436
02/23/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	66.97	20.53	12.98	0.60	0.00	35.80	3458
03/02/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.71	66.97	20.53	12.98	0.60	0.00	35.81	3480
03/09/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	66.97	20.53	12.98	0.60	0.00	35.80	3502
03/16/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.71	66.97	20.53	12.98	0.60	0.00	35.81	3524
03/23/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	66.97	20.53	12.98	0.60	0.00	35.80	3546
03/30/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	66.97	20.53	12.98	0.60	0.00	35.80	3568
04/06/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.71	66.97	20.53	12.98	0.60	0.00	35.81	3589
04/13/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	66.97	20.53	12.98	0.60	0.00	35.80	3610
04/20/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.71	66.97	20.53	12.98	0.60	0.00	35.81	3631
04/27/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	66.97	20.53	12.98	0.60	0.00	35.80	3652
05/04/07	39.00	0.00	179.40	0.00	0.00	380.25	14.04	3.90	0.00	573.69	42.81	69.12	21.51	13.51	0.60	0.00	35.75	3672
05/11/07	39.00	0.00	179.40	0.00	0.00	380.25	14.04	3.90	0.00	573.69	42.81	69.12	21.51	13.51	0.60	0.00	35.75	3691
05/18/07	39.00	0.00	179.40	0.00	0.00	384.15	14.04	3.90	0.00	577.59	43.11	69.71	21.78	13.66	0.60	0.00	34.44	3709
05/25/07	40.00	0.00	184.00	0.00	0.00	394.00	14.40	4.00	0.00	592.40	44.22	71.87	22.77	14.20	0.60	0.00	34.34	3729
06/01/07	40.00	0.00	184.00	0.00	0.00	394.00	14.40	4.00	0.00	592.40	44.22	71.87	22.77	14.20	0.60	0.00	34.34	3751
06/08/07	37.00	0.00	170.20	0.00	0.00	364.45	13.32	3.70	0.00	547.97	40.90	65.37	19.80	12.59	0.60	0.00	34.64	3772
06/15/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	72.77	23.18	14.43	0.60	0.00	32.34	3793
06/22/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.56	70.58	22.18	13.88	0.60	0.00	32.50	3814
06/29/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	72.77	23.18	14.43	0.60	0.00	32.34	3835
07/06/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.56	70.58	22.18	13.88	0.60	0.00	32.50	3855
07/13/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.56	70.58	22.18	13.88	0.60	0.00	32.50	3875
07/20/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	66.20	20.18	12.80	0.60	0.00	32.80	3896
07/27/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	72.77	23.18	14.43	0.60	0.00	32.34	3918
08/03/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.56	70.58	22.18	13.88	0.60	0.00	32.50	3940
08/10/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	66.20	20.18	12.80	0.60	0.00	32.80	3962
08/17/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.07	75.50	24.43	15.14	0.60	0.00	34.44	3983
08/24/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	66.20	20.18	12.80	0.60	0.00	32.80	4004
08/31/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.56	70.58	22.18	13.88	0.60	0.00	32.50	4025
09/07/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.56	70.58	22.18	13.88	0.60	0.00	32.50	4046
09/14/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.56	70.58	22.18	13.88	0.60	0.00	32.50	4067
09/21/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	72.77	23.18	14.43	0.60	0.00	32.34	4085
09/28/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.56	70.58	22.18	13.88	0.60	0.00	32.50	4103
10/05/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	72.77	23.18	14.43	0.60	0.00	32.34	4121
10/12/07	34.00	0.00	156.40	0.00	0.00	340.00	12.24	3.40	0.00	508.64	37.97	59.63	17.39	11.17	0.60	0.00	33.04	4141
10/19/07	35.00	0.00	161.00	0.00	0.00	350.00	12.60	3.50	0.00	523.60	39.09	61.82	18.25	11.71	0.60	0.00	33.03	4163

10/26/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.56	70.58	22.18	13.88	0.60	0.00	32.50	4184
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ACCOUNT NO: 111

Run Date: 04-23-2008

WESTWAY DINER INC  
T/A WESTWAY DINER  
EMPLOYEE HISTORY FOR 2007

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* DATE *	* HOURS *	***** EARNINGS *****								***** DEDUCTIONS *****									
WK ENDNG	REG	OVT	REGULAR	OVRTIME	MISC1	TIPS	MEALS	UNIF	NONTX	GROSS	FICA	FED WT	STATE	CITY	SUDI	MISC DED	NET PAY	CHECK #	
11/02/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	66.20	20.18	12.80	0.60	0.00	32.80	4205	
11/23/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	72.77	23.18	14.43	0.60	0.00	32.34	4267	
11/30/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	66.20	20.18	12.80	0.60	0.00	32.80	4287	
12/07/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	68.39	21.18	13.34	0.60	0.00	32.65	4306	
12/14/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.69	72.77	23.18	14.43	0.60	0.00	32.33	4323	
12/21/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.67	72.77	23.18	14.43	0.60	0.00	32.35	4343	
** TOTALS **																			
1927.00	2.00		8844.70	16.36	0.00	%18487.25													
							693.72	192.70	0.00	28042.03	2092.16	3360.83	1035.22	652.45	30.00	0.00	1883.10		

EMPLOYEE NO: 300106      EMPLOYEE NAME: JAOUAD SADQI      S.S. NO: [REDACTED]      SALARY/RATE: 4.600      STATUS: ACTIVE

12/29/06	40.00	0.00	174.00	0.00	0.00	314.00	14.40	4.00	0.00	502.40	37.34	48.57	15.76	0.00	0.60	0.00	75.73	3283
01/05/07	40.00	0.00	174.00	0.00	0.00	314.00	14.40	4.00	0.00	502.40	37.33	48.57	15.76	0.00	0.60	0.00	75.74	3304
01/12/07	40.00	0.00	184.00	0.00	0.00	314.00	14.40	4.00	0.00	512.40	38.09	50.07	16.35	0.00	0.60	0.00	82.89	3327
01/19/07	39.00	0.00	179.40	0.00	0.00	306.15	14.04	3.90	0.00	499.59	37.15	48.20	15.62	0.00	0.60	0.00	81.73	3350
01/26/07	38.00	0.00	174.80	0.00	0.00	298.30	13.68	3.80	0.00	486.78	36.19	46.33	14.88	0.00	0.60	0.00	80.60	3372
02/02/07	38.00	0.00	174.80	0.00	0.00	298.30	13.68	3.80	0.00	486.78	36.19	46.33	14.88	0.00	0.60	0.00	80.60	3393
02/09/07	39.00	0.00	179.40	0.00	0.00	306.15	14.04	3.90	0.00	499.59	37.14	48.20	15.62	0.00	0.60	0.00	81.74	3415
02/16/07	40.00	0.00	184.00	0.00	0.00	318.00	14.40	4.00	0.00	516.40	38.41	50.67	16.59	0.00	0.60	0.00	81.73	3437
02/23/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3459
03/02/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3481
03/09/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3503
03/16/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3525
03/23/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3547
03/30/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3569
04/06/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3590
04/13/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3611
04/20/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3632
04/27/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3653
05/04/07	40.00	2.00	184.00	16.35	0.00	409.50	14.40	4.00	0.00	624.25	46.66	66.84	23.63	0.00	0.60	0.00	66.62	3673
05/11/07	37.00	0.00	170.20	0.00	0.00	360.75	13.32	3.70	0.00	544.27	40.62	55.01	18.30	0.00	0.60	0.00	59.37	3692
05/18/07	40.00	0.00	184.00	0.00	0.00	394.00	14.40	4.00	0.00	592.40	44.21	62.07	21.45	0.00	0.60	0.00	59.67	3710
05/25/07	40.00	0.00	184.00	0.00	0.00	394.00	14.40	4.00	0.00	592.40	44.22	62.07	21.45	0.00	0.60	0.00	59.66	3730
06/01/07	40.00	0.00	184.00	0.00	0.00	394.00	14.40	4.00	0.00	592.40	44.22	62.07	21.45	0.00	0.60	0.00	59.66	3752
06/08/07	40.00	0.00	184.00	0.00	0.00	394.00	14.40	4.00	0.00	592.40	44.21	62.07	21.45	0.00	0.60	0.00	59.67	3773
06/15/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	0.00	0.60	0.00	57.89	3794
06/22/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	56.40	18.86	0.00	0.60	0.00	56.72	3815
06/29/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.07	65.69	23.11	0.00	0.60	0.00	60.71	3836
07/06/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.67	62.97	21.86	0.00	0.60	0.00	57.90	3856
07/13/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.33	56.40	18.86	0.00	0.60	0.00	56.71	3876
07/20/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	56.40	18.86	0.00	0.60	0.00	56.72	3897
07/27/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.57	60.78	20.86	0.00	0.60	0.00	57.49	3919
08/03/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.31	56.40	18.86	0.00	0.60	0.00	56.73	3941
08/10/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.57	60.78	20.86	0.00	0.60	0.00	57.49	3963
08/17/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	56.40	18.86	0.00	0.60	0.00	56.72	3984
08/24/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.07	65.69	23.11	0.00	0.60	0.00	60.71	4005
08/31/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	56.40	18.86	0.00	0.60	0.00	56.72	4026
09/07/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.33	56.40	18.86	0.00	0.60	0.00	56.71	4047
09/14/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	56.40	18.86	0.00	0.60	0.00	56.72	4068

09/21/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	58.59	19.86	0.00	0.60	0.00	57.11	4086
09/28/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	56.40	18.86	0.00	0.60	0.00	56.72	4104

ACCOUNT NO: 111  
Run Date: 04-23-2008

WESTWAY DINER INC  
T/A WESTWAY DINER  
EMPLOYEE HISTORY FOR 2007

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* DATE *	* HOURS *		***** EARNINGS *****							***** DEDUCTIONS *****								
WK ENDNG	REG	OVT	REGULAR	OVRTIME	MISC1	TIPS	MEALS	UNIF	NONTX	GROSS	FICA	FED WT	STATE	CITY	SUDI	MISC DED	NET PAY	CHECK #
10/05/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	0.00	0.60	0.00	57.89	4122
10/12/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	56.40	18.86	0.00	0.60	0.00	56.72	4142
10/19/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	0.00	0.60	0.00	57.89	4164
10/26/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	58.59	19.86	0.00	0.60	0.00	57.11	4185
11/02/07	35.00	0.00	161.00	0.00	0.00	350.00	12.60	3.50	0.00	523.60	39.10	52.02	17.12	0.00	0.60	0.00	55.66	4206
11/23/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.43	58.59	19.86	0.00	0.60	0.00	57.12	4268
11/30/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.07	65.69	23.11	0.00	0.60	0.00	60.71	4288
12/07/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	0.00	0.60	0.00	57.89	4307
12/14/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	56.40	18.86	0.00	0.60	0.00	56.72	4324
12/21/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	0.00	0.60	0.00	57.89	4344
** TOTALS **			1945.00	5.00	8927.00	40.89	0.00	\$18685.15										
							700.20	194.50	0.00	28353.24	2115.44	2916.41	991.36	0.00	30.00	0.00	3109.18	

EMPLOYEE NO: 300108

EMPLOYEE NAME: REYES RAMOS

S.S. NO: [REDACTED]

SALARY/RATE:

4.600

STATUS: ACTIVE

12/29/06	39.00	0.00	169.65	0.00	0.00	306.15	14.04	3.90	0.00	489.84	36.40	46.74	15.04	9.70	0.60	0.00	65.07	3285
01/05/07	40.00	0.00	174.00	0.00	0.00	314.00	14.40	4.00	0.00	502.40	37.33	48.57	15.76	10.15	0.60	0.00	65.59	3306
01/12/07	40.00	1.00	184.00	8.18	0.00	321.85	14.40	4.00	0.00	528.43	39.32	52.47	17.30	11.12	0.60	0.00	75.37	3329
01/19/07	39.00	0.00	179.40	0.00	0.00	306.15	14.04	3.90	0.00	499.59	37.15	48.20	15.62	10.06	0.60	0.00	71.67	3352
01/26/07	40.00	0.00	184.00	0.00	0.00	314.00	14.40	4.00	0.00	512.40	38.09	50.07	16.35	10.52	0.60	0.00	72.37	3373
02/02/07	37.00	0.00	170.20	0.00	0.00	290.45	13.32	3.70	0.00	473.97	35.25	44.46	14.15	9.14	0.60	0.00	70.30	3395
02/09/07	40.00	1.00	184.00	8.18	0.00	321.85	14.40	4.00	0.00	528.43	39.32	52.47	17.30	11.12	0.60	0.00	75.37	3417
02/16/07	38.00	0.00	174.80	0.00	0.00	302.10	13.68	3.80	0.00	490.58	36.49	46.90	15.11	9.74	0.60	0.00	69.76	3439
02/23/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.71	57.16	19.21	12.27	0.60	0.00	47.65	3461
03/02/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	57.16	19.21	12.27	0.60	0.00	47.64	3483
03/09/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.71	57.16	19.21	12.27	0.60	0.00	47.65	3505
03/16/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	57.16	19.21	12.27	0.60	0.00	47.65	3527
03/23/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.71	57.16	19.21	12.27	0.60	0.00	47.65	3549
03/30/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	57.16	19.21	12.27	0.60	0.00	47.64	3571
04/06/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.71	57.16	19.21	12.27	0.60	0.00	47.65	3592
04/13/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	57.16	19.21	12.27	0.60	0.00	47.64	3613
04/20/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.71	57.16	19.21	12.27	0.60	0.00	47.65	3634
04/27/07	38.00	0.00	174.80	0.00	0.00	370.50	13.68	3.80	0.00	558.98	41.72	57.16	19.21	12.27	0.60	0.00	47.64	3655
05/04/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	13.33	0.60	0.00	47.51	3674
05/11/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	13.33	0.60	0.00	47.51	3693
05/18/07	40.00	1.00	184.00	8.18	0.00	403.85	14.40	4.00	0.00	610.43	45.59	64.77	22.69	14.15	0.60	0.00	48.38	3711
05/25/07	38.00	0.00	174.80	0.00	0.00	374.30	13.68	3.80	0.00	562.78	42.01	57.73	19.47	12.41	0.60	0.00	46.38	3731
06/01/07	40.00	1.00	184.00	8.18	0.00	403.85	14.40	4.00	0.00	610.43	45.60	64.77	22.69	14.15	0.60	0.00	48.37	3753
06/08/07	40.00	1.00	184.00	8.18	0.00	403.85	14.40	4.00	0.00	610.43	45.59	64.77	22.69	14.15	0.60	0.00	48.38	3774
06/15/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	13.70	0.60	0.00	44.19	3795
06/22/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.07	65.69	23.11	14.39	0.60	0.00	46.32	3816
06/29/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	56.40	18.86	12.08	0.60	0.00	44.64	3837
07/06/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	13.70	0.60	0.00	44.19	3857
07/13/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	13.70	0.60	0.00	44.19	3877
07/20/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	13.70	0.60	0.00	44.19	3898
07/27/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.67	62.97	21.86	13.70	0.60	0.00	44.20	3920
08/03/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	58.59	19.86	12.62	0.60	0.00	44.49	3942
08/10/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	13.70	0.60	0.00	44.19	3964

08/17/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	58.59	19.86	12.62	0.60	0.00	44.49	3985
08/24/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.56	60.78	20.86	13.16	0.60	0.00	44.34	4006
08/31/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	13.70	0.60	0.00	44.19	4027

ACCOUNT NO: 111  
Run Date: 04-23-2008

WESTWAY DINER INC  
T/A WESTWAY DINER  
EMPLOYEE HISTORY FOR 2007

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* DATE *	* HOURS *	***** EARNINGS *****								***** DEDUCTIONS *****									
WK ENDNG	REG	OVT	REGULAR	OVRTME	MISC1	TIPS	MEALS	UNIF	NONTX	GROSS	FICA	FED WT	STATE	CITY	SUDI	MISC DED	NET PAY	CHECK #	
09/07/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.67	62.97	21.86	13.70	0.60	0.00	44.20	4048	
09/14/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	13.70	0.60	0.00	44.19	4069	
09/21/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.06	65.69	23.11	14.39	0.60	0.00	46.33	4087	
09/28/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	13.70	0.60	0.00	44.19	4105	
10/05/07	35.00	0.00	161.00	0.00	0.00	350.00	12.60	3.50	0.00	523.60	39.09	52.02	17.12	11.00	0.60	0.00	44.67	4123	
10/12/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.06	65.69	23.11	14.39	0.60	0.00	46.33	4143	
10/19/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.33	56.40	18.86	12.08	0.60	0.00	44.63	4165	
10/26/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	56.40	18.86	12.08	0.60	0.00	44.64	4186	
11/02/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	13.70	0.60	0.00	44.19	4207	
11/09/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	56.40	18.86	12.08	0.60	0.00	44.64	4228	
11/16/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.57	60.78	20.86	13.16	0.60	0.00	44.33	4248	
12/07/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.67	62.97	21.86	13.70	0.60	0.00	44.20	4308	
12/14/07	35.00	0.00	161.00	0.00	0.00	350.00	12.60	3.50	0.00	523.60	39.09	52.02	17.12	11.00	0.60	0.00	44.67	4325	
12/21/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	62.97	21.86	13.70	0.60	0.00	44.19	4345	
** TOTALS **																			
	1943.00	8.00	8918.05	65.44	0.00	18697.40													
							699.48	194.30	0.00	28380.37	2117.59	2920.52	993.26	628.92	30.00	0.00	2487.50		

EMPLOYEE NO: 300112      EMPLOYEE NAME: GEORGE ALEXANDER      S.S. NO: [REDACTED]      SALARY/RATE: 4.600      STATUS: ACTIVE

05/18/07	40.00	1.00	184.00	8.18	0.00	403.85	14.40	4.00	0.00	610.43	45.59	74.58	24.01	14.90	0.60	0.00	36.50	3713
05/25/07	39.00	0.00	179.40	0.00	0.00	384.15	14.04	3.90	0.00	577.59	43.12	69.71	21.78	13.66	0.60	0.00	34.43	3733
06/01/07	40.00	0.00	184.00	0.00	0.00	394.00	14.40	4.00	0.00	592.40	44.21	71.87	22.77	14.20	0.60	0.00	34.35	3755
06/08/07	40.00	2.00	184.00	16.35	0.00	413.70	14.40	4.00	0.00	628.45	46.98	77.28	25.24	15.60	0.60	0.00	38.65	3776
06/15/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.06	75.50	24.43	15.14	0.60	0.00	34.45	3797
06/22/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.07	75.50	24.43	15.14	0.60	0.00	34.44	3818
06/29/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	72.77	23.18	14.43	0.60	0.00	32.34	3839
07/06/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.67	72.77	23.18	14.43	0.60	0.00	32.35	3859
07/13/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	68.39	21.18	13.34	0.60	0.00	32.65	3879
07/20/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	72.77	23.18	14.43	0.60	0.00	32.34	3900
07/27/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	68.39	21.18	13.34	0.60	0.00	32.65	3922
08/03/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	72.77	23.18	14.43	0.60	0.00	32.34	3944
08/10/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	72.77	23.18	14.43	0.60	0.00	32.34	3966
08/17/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.67	72.77	23.18	14.43	0.60	0.00	32.35	3987
08/24/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	66.20	20.18	12.80	0.60	0.00	32.80	4008
08/31/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.07	75.50	24.43	15.14	0.60	0.00	34.44	4029
09/07/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.07	75.50	24.43	15.14	0.60	0.00	34.44	4050
09/14/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.06	75.50	24.43	15.14	0.60	0.00	34.45	4071
09/21/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.33	66.20	20.18	12.80	0.60	0.00	32.79	4089
09/28/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	72.77	23.18	14.43	0.60	0.00	32.34	4107
10/05/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.67	72.77	23.18	14.43	0.60	0.00	32.35	4125
10/12/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.56	70.58	22.18	13.88	0.60	0.00	32.50	4145
10/19/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	68.39	21.18	13.34	0.60	0.00	32.65	4167
10/26/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	72.77	23.18	14.43	0.60	0.00	32.34	4188
11/02/07	37.00	0.00	170.20	0.00	0.00	370.00	13.32	3.70	0.00	553.52	41.32	66.20	20.18	12.80	0.60	0.00	32.80	4209
11/09/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	72.77	23.18	14.43	0.60	0.00	32.34	4230
11/16/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.07	75.50	24.43	15.14	0.60	0.00	34.44	4250
11/23/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	72.77	23.18	14.43	0.60	0.00	32.34	4269

11/30/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.67	72.77	23.18	14.43	0.60	0.00	32.35	4289
12/14/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	72.77	23.18	14.43	0.60	0.00	32.34	4326
12/21/07	35.00	0.00	161.00	0.00	0.00	350.00	12.60	3.50	0.00	523.60	39.09	61.82	18.25	11.71	0.60	0.00	33.03	4346
** TOTALS **																		
	1218.00	9.00	5602.80	73.61	0.00	%12245.70	438.48	121.80	0.00	18360.59	1371.04	2228.62	706.23	440.80	18.60	0.00	1032.92	

ACCOUNT NO: 111  
Run Date: 04-23-2008

WESTWAY DINER INC  
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* DATE *	* HOURS *	*****	EARNINGS *****	*****	DEDUCTIONS *****													
WK ENDNG	REG	OVT	REGULAR	QVTIME	MISC1	TIPS	MEALS	UNIF	NONTX	GROSS	FICA	FED WT	STATE	CITY	SUDI	MISC DED	NET PAY	CHECK #
=====																		
EMPLOYEE NO: 300114 EMPLOYEE NAME: JUAN C FLORES-MENDEZ S.S. NO: [REDACTED] SALARY/RATE: 4.600 STATUS: INACTIVE																		
=====																		
07/20/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	68.39	21.18	13.34	0.60	0.00	32.65	3901
07/27/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	68.39	21.18	13.34	0.60	0.00	32.65	3923
08/03/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.57	70.58	22.18	13.88	0.60	0.00	32.49	3945
08/10/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.67	72.77	23.18	14.43	0.60	0.00	32.35	3967
08/17/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.06	75.50	24.43	15.14	0.60	0.00	34.45	3988
08/24/07	40.00	1.00	184.00	8.18	0.00	410.00	14.40	4.00	0.00	616.58	46.07	75.50	24.43	15.14	0.60	0.00	34.44	4009
08/31/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	68.39	21.18	13.34	0.60	0.00	32.65	4030
09/07/07	38.00	0.00	174.80	0.00	0.00	380.00	13.68	3.80	0.00	568.48	42.44	68.39	21.18	13.34	0.60	0.00	32.65	4051
** TOTALS **																		
	311.00	2.00	1430.60	16.36	0.00	3130.00	111.96	31.10	0.00	4688.92	350.13	567.91	178.94	111.95	4.80	0.00	264.33	
=====																		
EMPLOYEE NO: 300115 EMPLOYEE NAME: PANAGIOTIS DAFNOS S.S. NO: [REDACTED] SALARY/RATE: 4.600 STATUS: ACTIVE																		
=====																		
10/05/07	25.00	0.00	115.00	0.00	0.00	250.00	9.00	2.50	0.00	374.00	27.92	30.12	8.76	0.00	0.60	0.00	50.10	4126
10/12/07	25.00	0.00	115.00	0.00	0.00	250.00	9.00	2.50	0.00	374.00	27.92	30.12	8.76	0.00	0.60	0.00	50.10	4146
10/19/07	25.00	0.00	115.00	0.00	0.00	250.00	9.00	2.50	0.00	374.00	27.92	30.12	8.76	0.00	0.60	0.00	50.10	4168
10/26/07	25.00	0.00	115.00	0.00	0.00	250.00	9.00	2.50	0.00	374.00	27.93	30.12	8.76	0.00	0.60	0.00	50.09	4189
11/02/07	25.00	0.00	115.00	0.00	0.00	250.00	9.00	2.50	0.00	374.00	27.92	30.12	8.76	0.00	0.60	0.00	50.10	4210
11/09/07	25.00	0.00	115.00	0.00	0.00	250.00	9.00	2.50	0.00	374.00	27.92	30.12	8.76	0.00	0.60	0.00	50.10	4231
11/16/07	25.00	0.00	115.00	0.00	0.00	250.00	9.00	2.50	0.00	374.00	27.92	30.12	8.76	0.00	0.60	0.00	50.10	4251
11/23/07	25.00	0.00	115.00	0.00	0.00	250.00	9.00	2.50	0.00	374.00	27.93	30.12	8.76	0.00	0.60	0.00	50.09	4270
11/30/07	25.00	0.00	115.00	0.00	0.00	250.00	9.00	2.50	0.00	374.00	27.92	30.12	8.76	0.00	0.60	0.00	50.10	4290
12/07/07	25.00	0.00	115.00	0.00	0.00	250.00	9.00	2.50	0.00	374.00	27.92	30.12	8.76	0.00	0.60	0.00	50.10	4309
12/14/07	25.00	0.00	115.00	0.00	0.00	250.00	9.00	2.50	0.00	374.00	27.92	30.12	8.76	0.00	0.60	0.00	50.10	4327
12/21/07	25.00	0.00	115.00	0.00	0.00	250.00	9.00	2.50	0.00	374.00	27.93	30.12	8.76	0.00	0.60	0.00	50.09	4347
** TOTALS **																		
	300.00	0.00	1380.00	0.00	0.00	3000.00	108.00	30.00	0.00	4488.00	335.07	361.44	105.12	0.00	7.20	0.00	601.17	
** GRAND TOTALS **																		
	%13170.00																	
	57.00	60464.00	464.85	0.00	%127426.25	4741.20	1317.00	0.00	193096.30	14409.14	18410.14	6612.25	3493.06	205.80	0.00	19115.46		
*** END OF EMPLOYEE HISTORY ***																		

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* DATE *	* HOURS *		***** EARNINGS *****							***** DEDUCTIONS *****								
WK ENDNG	REG	OVT	REGULAR	OVRTME	MISC1	TIPS	MEALS	UNIF	NONTX	GROSS	FICA	FED WT	STATE	CITY	SUDI	MISC DED	NET PAY	CHECK #
EMPLOYEE NO: 300107			EMPLOYEE NAME: KATARZYNA MOSKO			S.S. NO: [REDACTED]			SALARY/RATE: 4.600			STATUS: INACTIVE						
12/29/06	40.00	1.00	174.00	7.73	0.00	321.85	14.40	4.00	0.00	517.98	38.52	50.90	16.68	0.00	0.60	0.00	79.03	3284
01/05/07	39.00	0.00	169.65	0.00	0.00	306.15	14.04	3.90	0.00	489.84	36.40	46.74	15.04	0.00	0.60	0.00	74.77	3305
01/12/07	40.00	0.00	184.00	0.00	0.00	314.00	14.40	4.00	0.00	512.40	38.10	50.07	16.35	0.00	0.60	0.00	82.88	3328
01/19/07	37.00	0.00	170.20	0.00	0.00	290.45	13.32	3.70	0.00	473.97	35.24	44.46	14.15	0.00	0.60	0.00	79.45	3351
02/02/07	37.00	0.00	170.20	0.00	0.00	290.45	13.32	3.70	0.00	473.97	35.24	44.46	14.15	0.00	0.60	0.00	79.45	3394
02/09/07	39.00	0.00	179.40	0.00	0.00	306.15	14.04	3.90	0.00	499.59	37.14	48.20	15.62	0.00	0.60	0.00	81.74	3416
02/16/07	40.00	0.00	184.00	0.00	0.00	318.00	14.40	4.00	0.00	516.40	38.41	50.67	16.59	0.00	0.60	0.00	81.73	3438
02/23/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.90	61.47	21.18	0.00	0.60	0.00	60.85	3460
03/02/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.92	61.47	21.18	0.00	0.60	0.00	60.83	3482
03/09/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3504
03/16/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3526
03/23/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3548
03/30/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3570
04/06/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3591
04/13/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3612
04/20/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3633
04/27/07	40.00	0.00	184.00	0.00	0.00	390.00	14.40	4.00	0.00	588.40	43.91	61.47	21.18	0.00	0.60	0.00	60.84	3654
** TOTALS **			672.00	1.00	3071.45	7.73	0.00	6047.05	241.92	67.20	0.00	9368.15	698.15	950.20	320.38	0.00	1167.45	
EMPLOYEE NO: 300111			EMPLOYEE NAME: PETAR YULLJOVIC			S.S. NO: [REDACTED]			SALARY/RATE: 4.600			STATUS: INACTIVE						
05/04/07	39.00	0.00	179.40	0.00	0.00	380.25	14.04	3.90	0.00	573.69	42.81	69.12	21.51	13.51	0.60	0.00	35.75	3676
** TOTALS **			39.00	0.00	179.40	0.00	0.00	380.25	14.04	3.90	0.00	573.69	42.81	69.12	21.51	13.51	0.00	35.75
EMPLOYEE NO: 300113			EMPLOYEE NAME: BOZENA K MAROULIS			S.S. NO: [REDACTED]			SALARY/RATE: 4.600			STATUS: INACTIVE						
05/18/07	37.00	0.00	170.20	0.00	0.00	364.45	13.32	3.70	0.00	547.97	40.90	32.55	17.95	11.52	0.60	0.00	70.38	3714
05/25/07	40.00	0.00	184.00	0.00	0.00	394.00	14.40	4.00	0.00	592.40	44.22	39.06	20.79	13.13	0.60	0.00	70.20	3734
06/01/07	40.00	0.00	184.00	0.00	0.00	394.00	14.40	4.00	0.00	592.40	44.21	39.06	20.79	13.13	0.60	0.00	70.21	3756
06/08/07	40.00	0.00	184.00	0.00	0.00	394.00	14.40	4.00	0.00	592.40	44.22	39.06	20.79	13.13	0.60	0.00	70.20	3777
06/15/07	39.00	0.00	179.40	0.00	0.00	390.00	14.04	3.90	0.00	583.44	43.56	37.77	20.21	12.81	0.60	0.00	68.35	3798
06/22/07	40.00	0.00	184.00	0.00	0.00	400.00	14.40	4.00	0.00	598.40	44.68	39.96	21.21	13.35	0.60	0.00	68.20	3819
** TOTALS **			236.00	0.00	1085.60	0.00	0.00	2336.45	84.96	23.60	0.00	3507.01	261.79	227.46	121.74	77.07	0.00	417.54
** GRAND TOTALS **			947.00	1.00	4336.45	7.73	0.00	8763.75	340.92	94.70	0.00	13448.85	1002.75	1246.78	463.63	90.58	1620.74	
*** END OF EMPLOYEE HISTORY ***																		

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maimon@jhlhp.com

*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
**ANDREAS PEFANIS on behalf of  
themselves and others similarly situated,**

**Plaintiff,**

**INDEX NO: 08cv002(DC)**

**v.**

**WESTWAY DINER, INC.**

**PLAINTIFF'S FIRST REQUEST  
FOR THE PRODUCTION OF  
DOCUMENTS**

**Defendants.**  
-----X

Plaintiffs, by his attorneys, Joseph & Herzfeld LLP, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, propound the following document requests. Defendant is required to serve a written response to these requests within thirty (30) days of service hereof and within ten (10) days thereafter to produce for inspection and copying the documents and other tangible objects described below at the offices of counsel for Plaintiffs, Joseph & Herzfeld LLP, 757 Third Avenue, 25<sup>th</sup> Floor, New York, New York 10017, or at such other place as is agreed by counsel.

**DEFINITIONS**

1. The term "Document" as used herein means any writing or any other tangible thing in defendant's custody, possession or control or known to defendant, whether printed, recorded, reproduced by any process, or written or produced by hand, including but not limited to charges, complaints, claims, affidavits, declarations, statements, letters, reports, employee records, agreements, communications, correspondence, memorandum, telephone records, publications, manuals, diagrams, telegrams, summaries, records of personal conversations, e-mail, voice mail, calendars, appointment books, logs, brochures, pamphlets, opinions or reports of consultants, graphs of any documents, revisions or graphs of any documents, invoices, receipts, computer data, tapes, cassettes, disks, magnetic cards, audio or video recordings, and original or preliminary notes.
2. As used herein, the terms "You", "Your", and "Defendant" refers to Defendant and/or to any past or present officers, directors, employees and/or agents of said-named entities, and/or all of their divisions, subsidiaries, affiliated or related or predecessor companies.
3. As used herein, the term "Plaintiff" refers to Plaintiff Andreas Pefanis, and/or their attorneys, agents and all other persons acting or purporting to act on their behalf.
4. As used herein, the term "Class Members" refers to all non-exempt persons employed by Defendant in any non-exempt position, including but not limited to kitchen staff, servers, waiters, busboys, and runners on or after the date that is six years before the filing of the Complaint in this case.
5. As used herein, the term "Exempt" means employees or job duties that qualify said employees for exempt status under the Fair Labor Standards Act and/or New York Minimum Wage Act, N.Y. Stat. § 650 et seq., and N.Y. Comp. Code R. & Regs. tit. 12, §§ 141 and 142.

6. As used herein, the term "Complaint" refers to Plaintiffs' complaint on file herein.
7. As used herein, the term "Answer" refers to Defendant's answer on file herein.
8. As used herein, the term "Overtime" means hours worked by an employee in excess of forty (40) hours per week.

### **INSTRUCTIONS**

#### 9. Documents Withheld

If any document is withheld under a claim of privilege or other protection, so as to aid the court and the parties hereto to determine the validity of the claim of privilege or other protection, please provide the following information with respect to any such document:

- A. A brief description of the nature and contents of the document with sufficient particularity to enable the court and parties hereto to identify the document;
- B. The name, occupation, and capacity of the individual from whom the allegedly privileged document emanated;
- C. The name, occupation, capacity of the individual to whom the allegedly privileged document was directed;
- D. The date borne by the document, or if the document bears no date, the approximate date it initially appeared,
- E. The identity of each person(s) who has custody of or control over the document and each copy thereof;

- F. The nature and extent of each privilege claimed; and
- G. Whether any non-privileged or non-protected matter is included in the document.

10. Partial Production

Whenever defendant objects to a particular request, or portion thereof, defendant must produce all documents called for which are not subject to that objection. Similarly, wherever a document is not produced in full, please state with particularity the reason or reasons it is not being produced in full, and describe, to the best of defendant's knowledge, information and belief and with as much particularity as possible, those portions of the document which are not produced.

11. Orderly Response

Wherever it is reasonably practicable, please produce document in such manner as will facilitate their identification with the particular request or category of requests to which they are responsive.

12. Construction of "And" and "Or"

As used herein, the words "and" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other wherever such dual construction will serve to bring within the scope of this request any documents which would otherwise not be brought within its scope.

13. Construction of the Singular and Plural Forms

As used herein, the singular form shall include the plural and vice versa whenever such dual construction will serve to bring within the scope of this request any documents which would otherwise not be brought within its scope.

**REQUESTS FOR PRODUCTION**

1. Any and all documents contained in Plaintiff's personnel file.
2. Any and all documents, including but not limited to pay stubs, concerning Defendant's compensation, by check, direct deposit, or cash, of Plaintiffs.
3. Any and all payroll reports for Plaintiff.
4. Any and all payroll reports for Class Members.
5. Any and all documents concerning Defendant's procedure of compensating Plaintiff.
6. Any and all documents concerning Defendant's procedure of compensating Class Members.
7. Any and all documents concerning the amount of hours per day or week Plaintiff was expected to work.
8. Any and all documents concerning the amount of hours per day or week Class Members were expected to work.
9. Any and all documents, that reflect the time Plaintiff worked for Defendant, including but not limited to time cards, clock-in/clock-out reports, etc.
10. Any and all documents, that reflect the time Class Members worked for Defendant, including but not limited to time cards, clock-in/clock-out reports, etc.

11. Any and all documents concerning Defendant's method of compensating servers for overtime.
12. Any and all documents concerning Defendant's method of compensating Class Members overtime.
13. Any and all documents concerning Defendant's payment of overtime to Plaintiff.
14. Any and all documents concerning Defendant's payment of overtime to Class Members.
15. Any and all documents concerning Defendant's retention policies for documents, including but not limited to record-keeping and filing policies, document maintenance and/or destruction policies, since 2004.
16. Any and all documents concerning Defendant's retention policies for computer data of personnel information and/or records of business transactions, since 2004.
17. Any and all documents concerning any complaints, inquiries or comments from any employee to Defendant regarding overtime compensation, work hours, and/or job duties the employee was required to perform, including individual and/or summary reports, since 2004.
18. Any and all documents concerning any administrative or civil complaints, claims, or grievances filed or asserted against Defendant for unpaid overtime wages by any employee, since 2004.

Dated: February 21, 2008  
New York, NY 10017

JOSEPH & HERZFELD LLP

By:   
Maimon Kirschenbaum (DK-2338)

757 Third Avenue, 25<sup>th</sup> Floor  
New York, NY 10017  
(212) 688-5640  
(212) 688-2548 (fax)

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

This is to certify that on February 27, 2008, a copy of the foregoing was sent via facsimile and first-class mail, postage prepaid, to:

Arthur H. Forman, Esq.  
98-20 Metropolitan Avenue  
Forest Hills, New York 11375  
(718) 268-2616  
Fax: (718) 575-1600

Attorneys for Defendants

  
\_\_\_\_\_  
D. Maimon Kirschenbaum

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

ANDREAS PEFANIS, on behalf of himself and  
others similarly situated,

Plaintiff,

- v. -

WESTWAY DINER, INC.,

Defendant.

-----X

Case No. 08-cv-002 (DC) (DFE)

DEFENDANT'S OBJECTIONS  
AND RESPONSES TO FIRST  
REQUEST FOR DOCUMENTS

To: D. Maimon Kirschenbaum, Esq. (DK-2338)  
JOSEPH & HERZFELD LLP  
757 Third Avenue, 25<sup>th</sup> Floor  
New York, NY 10017  
Tel: (212) 688-5640  
*Attorneys for Plaintiff*

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure ("Federal Rules") and the Local Civil Rules of the United States District Court for the Eastern District of New York ("Local Rules"), defendant by and through its undersigned counsel, hereby responds to the First Request for Production of Documents ("Request") of plaintiff as follows:

**GENERAL OBJECTIONS**

The following General Objections are incorporated into each specific objection below as if fully repeated in each response:

1. The following General Objections form a part of the response to each demand made in the Request and shall have the same force and effect as if set forth in full response to each individually numbered request. The failure to specifically incorporate a General Objection shall not be construed as a waiver of the same.

2. Defendant's failure to object to any specific Request on a particular ground or grounds shall not be construed as a waiver of its rights to object on any additional ground(s).

3. Defendant objects to each Request herein to the extent that it seeks documents protected by any privilege including but not limited to the attorney-client privilege and the work product doctrine. Defendant will produce a list of withheld privileged documents following their document production, except to the extent that providing such information would tend to disclose privileged information. The inadvertent production of any material protected by the attorney-client privilege, the work-product doctrine or any other applicable privilege, immunity or protection from disclosure is not intended and should not be construed to constitute a waiver. Defendant reserves the right to assert all applicable privileges and protections from production.

4. Defendant objects to each Request to the extent it seeks documents that are not relevant to the subject matter of the pending action and are not reasonably calculated to lead to the discovery of admissible evidence.

5. Defendant objects to each Request to the extent it seeks documents that are a matter of public record or equally available to plaintiff.

6. Defendant objects to each Request to the extent that it is vague or ambiguous.

7. Defendant objects to each Request to the extent that it seeks to impose requirements that are inconsistent with, or beyond those contemplated by, the Federal Rules and the Local Rules.

8. Defendant objects to the Requests to the extent that the definitions, instructions or specific requests are unduly burdensome.

9. Defendant generally objects to each Request on the grounds that it is not limited to a relevant time period and/or is otherwise overbroad as to time or scope.

10. In making these objections, defendant does not in any way waive, or intend to waive, but rather intends to preserve and are preserving:

- a. all objections as to competency, relevancy, materiality and admissibility of any documents that may be provided in response to the Request;
- b. all rights to object on any ground to the use of any information that may be contained in any documents provided in response to the Request to the Interrogatories or the subject matter, in any subsequent proceedings, including trial of this or any other matter;
- c. all rights to object on any ground to any request for further responses to the Request;

11. Defendant reserves the right to supplement, amend, correct or clarify their response and objections to the Request.

**SPECIFIC RESPONSES AND OBJECTIONS TO PLAINTIFF'S  
REQUESTS FOR DOCUMENTS**

1. Defendant responds that it does not maintain personnel files for its waiters. Nevertheless, defendant will produce all personnel documents it maintains concerning the plaintiff.

2. In addition to the foregoing General Objections, defendant specifically objects to this Request No. 2 on the grounds that it is vague, overbroad, and unduly burdensome. Subject to and without waiver of the foregoing general and specific objections, defendant responds that it will produce all copies in its possession of checks paid to plaintiff.

3. Plaintiff will produce all payroll reports in its possession reflecting the wages defendant paid to plaintiff.

4. In addition to the foregoing General Objections, defendant specifically objects to this Request No. 4 on the ground that it is overbroad, unduly burdensome and not limited in scope as to time. Subject to and without waiver of the foregoing general and specific objections, defendant responds that it will produce the payroll reports in its possession for all waiters for the period from 2004 through 2007.

5. Defendant is not in possession of any documents responsive to Request No. 5.

6. Defendant is not in possession of any documents responsive to Request No. 6.

7. In addition to the foregoing General Objections, defendant specifically objects to this Request No. 7 on the ground that it is ambiguous and vague. Subject to and without waiver of the foregoing general and specific objections, Defendant states that it is not in possession of any documents responsive to Request No. 7.

8. In addition to the foregoing General Objections, defendant specifically objects to this Request No. 8 on the ground that it is ambiguous and vague. Subject to and without waiver of the foregoing general and specific objections, Defendant states that it is not in possession of any documents responsive to Request No. 8.

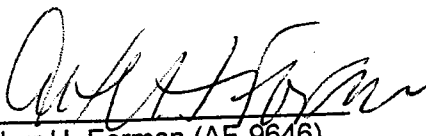
9. Defendant is not in possession of any documents responsive to Request No. 9, other than payroll reports.

10. Defendant is not in possession of any documents responsive to Request No. 10, other than the payroll reports which will be provided in response to Requests 3 and 4.

11. In addition to the foregoing General Objections, defendant specifically objects to this Request No. 11 on the ground that it is ambiguous and vague. Subject to

Dated: April 24, 2008  
Forest Hills, New York

MITCHELL & INCANTALUPO

By:   
Arthur H. Forman (AF-9646)  
98-20 Metropolitan Avenue  
Forest Hills, New York 11375  
Tel: 718-268-2616

*Attorneys for Defendant*

### CERTIFICATE OF SERVICE

I certify that the attached Document(s) was (were) sent by regular mail, unless otherwise indicated below, this day to each of the following:

D. Maimon Kirschenbaum, Esq.  
JOSEPH & HERZFELD LLP  
757 Third Avenue, 25<sup>th</sup> Floor  
New York, NY 10017

April 24, 2008

  
Arthur H. Forman